

MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CHULA VISTA

May 6, 2003

4:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 4:08 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers: Davis, McCann, Rindone, Salas, and Mayor Padilla

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Moore, and City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- OATH OF OFFICE: BRYAN FELBER, PLANNING COMMISSION

Mr. Felber was unable to attend the meeting.

- INTRODUCTION BY MARIA KACHADOORIAN, DIRECTOR OF FINANCE, OF THE EMPLOYEE OF THE MONTH, VERONICA "RONIE" B. ROBLE, ACCOUNTANT

Finance Director Kachadoorian introduced the City's employee of the month, Veronica Roble. Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Ms. Roble.

- PRESENTATION BY MAYOR PADILLA OF A CERTIFICATE OF APPRECIATION TO GLEN GILLILAND, SENIOR VOLUNTEER PROGRAM VOLUNTEER, FOR HIS CONTRIBUTION OF \$5,000 TO THE LOST PERSON SAFETY PROGRAM

Mr. Gilliland briefly explained the purpose of the lost person safety program, and Deputy Mayor Rindone then presented him with a certificate of appreciation.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO DAVID ACOSTA, FIRE ENGINEER, FOR SAVING A LIFE WHILE OFF DUTY

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Fire Engineer Acosta.

SPECIAL ORDERS OF THE DAY (Continued)

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO RICHARD EMERSON, POLICE CHIEF, PROCLAIMING WEDNESDAY, MAY 7, 2003 AS PEACE OFFICERS' MEMORIAL DAY

Police Chief Emerson invited the public to attend the peace officers memorial on May 7, 2003, at 4:30 p.m., at the Balboa Park organ pavilion. Mayor Padilla then read the proclamation, and Deputy Mayor Rindone presented it to Chief Emerson.

- INTRODUCTION BY RICHARD EMERSON, POLICE CHIEF, OF RECENTLY HIRED LATERAL OFFICER, OCTAVIO JARA; THE OATH OF OFFICE WILL BE ADMINISTERED BY THE CITY CLERK

Police Chief Emerson introduced Officer Jara, and City Clerk Bigelow administered the oath of office.

- INTRODUCTION BY DOUG PERRY, FIRE CHIEF, OF RECENTLY PROMOTED AND RECENTLY HIRED FIRE DEPARTMENT PERSONNEL

Fire Chief Perry introduced the recently promoted and recently hired Fire Department personnel.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO GEORGE BASYE, EXALTED RULER AND GARRY HUMMEL, YOUTH ACTIVITY CHAIRMAN, ELK'S LODGE, PROCLAIMING THE WEEK OF MAY 4, 2003 AS YOUTH WEEK

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Mr. Basye and Mr. Hummel.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO JOSE LOPEZ, OTAY WATER DISTRICT, AND JIM DOUD, SWEETWATER AUTHORITY, PROCLAIMING THE MONTH OF MAY AS WATER AWARENESS MONTH

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Jose Lopez and Jim Doud. Mr. Doud commended the community on its continued awareness of the need for water conservation. Mr. Lopez discussed some of the planned programs and contests for water awareness month, and he invited the community to attend a public information night on May 21, 2003, at the Otay Water District, to learn more about regional water issues.

CONSENT CALENDAR (Items 1 through 10)

1. APPROVAL OF MINUTES of February 18, April 8, April 9, April 11, April 14, and April 15, 2003.

Staff recommendation: Council approve the minutes.

CONSENT CALENDAR (Continued)

2. WRITTEN COMMUNICATIONS

- A. Letter of resignation from M. Theresa Ahamed, member of the Housing Advisory Commission.

Staff recommendation: Council accept the resignation with regret and direct the City Clerk to post immediately in accordance with Maddy Act requirements.

- B. Letter of resignation from Nate Rubin, member of the Economic Development Commission.

Staff recommendation: Council accept the resignation with regret and direct the City Clerk to post immediately in accordance with Maddy Act requirements.

3. ORDINANCE NO. 2901, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF CHULA VISTA TO PROVIDE SECTION 21362.2 (3% @ 50 FULL FORMULA) FOR LOCAL POLICE MEMBERS (SECOND READING AND ADOPTION)

The existing labor agreement with the Chula Vista Police Officers Association contains a provision for the enhancement to their retirement benefits to provide the 3% @ 50 full formula effective July 1, 2003. Adoption of the ordinance is required to amend the City's contract with CalPERS to provide the benefits. The ordinance was introduced at the Council meeting of April 1, 2003. (Director of Human Resources)

Staff recommendation: Council place the ordinance on second reading for adoption.

4. RESOLUTION NO. 2003-169, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$5,000 FROM SENIOR VOLUNTEER PROGRAM VOLUNTEER, GLEN A. GILLILAND, AND DIRECTING STAFF TO INCLUDE \$5,000 IN THE FISCAL YEAR 2003/2004 PROPOSED BUDGET FOR SUPPORT OF THE SENIOR VOLUNTEER PROGRAM, "LOST PERSON SAFETY PROGRAM", ASSISTING WITH THE LOCATION OF LOST, MENTALLY IMPAIRED COMMUNITY MEMBERS

On January 24, 2003, Senior Volunteer Program volunteer Glen A. Gilliland made a personal donation of \$5,000 to support the development of the City of Chula Vista "Lost Person Safety Program." (Police Chief)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

5. RESOLUTION NO. 2003-170, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING DONATIONS IN THE AMOUNT OF \$600 AND \$1,000, AND APPROPRIATING SAID DONATED

The Fire Prevention Bureau recently received two donations, one in the amount of \$600 from Wal-Mart, and the second in the amount of \$1,000 from McDonalds. The donations were presented to the Fire Prevention Bureau to support fire investigation, prevention and community outreach programs. (Fire Chief)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION NO. 2003-171, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING AND APPROPRIATING \$76,155.41 FROM THE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICES, TO THE FIRE DEPARTMENT, AND AUTHORIZING UNCLASSIFIED, FLSA-EXEMPT FIRE EMPLOYEES TO RECEIVE COMPENSATION FROM STATE

The Fire Department participates in automatic aid agreements with all other agencies within San Diego County, and in an agreement for Local Government Fire Suppression Assistance to Forest Agencies and the Office of Emergency Services. The Department provides staff and equipment resources to these agencies on a reimbursement basis. (Fire Chief)

Staff recommendation: Council adopt the resolution.

- 7 A. RESOLUTION NO. 2003-172, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE RESULTS OF A SPECIAL ELECTION IN COMMUNITY FACILITIES DISTRICT NO. 09-M (VILLAGE 11 BROOKFIELD SHEA OTAY)
- B. ORDINANCE NO. 2907, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 09-M (VILLAGE 11 - BROOKFIELD SHEA OTAY)
- C. RESOLUTION NO. 2003-173, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE RESULTS OF A SPECIAL ELECTION IN TERRITORY TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), AND DESIGNATED AS IMPROVEMENT AREA "C" THERETO
- D. ORDINANCE NO. 2908, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE LEVY OF A SPECIAL TAX IN THAT AREA DESIGNATED AS IMPROVEMENT AREA "C" WITHIN COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT

CONSENT CALENDAR (Continued)

On February 18, 2003 the City Council initiated the formation proceedings for Community Facilities District No. 09-M (CFD 09-M) and the annexation proceedings for Community Facilities District 97-2, [(Annexation No. 3, Improvement Area "C") (Preserve Maintenance District)] (CFD 97-2, Area "C"). Adoption of the resolutions and ordinances concludes the formal proceedings to establish CFD No. 09-M and annex territory into CFD 97-2, Area "C". Special Taxes levied within CFD 09-M will fund the perpetual operation and maintenance of slopes, medians and parkways, and storm water treatment facilities associated with Village 11 - Brookfield Shea Otay. Special Taxes levied for CFD 97-2 will fund the costs of the resource monitoring program as well as preserve operations and maintenance. The City has retained the services of MuniFinancial as special tax consultant and Best Best and Krieger LLP as legal counsel to provide assistance during the proceedings. (Director of Engineering)

Staff recommendation: Council adopt the resolutions and place the ordinances on first reading.

8. RESOLUTION NO. 2003-174, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDED CONTRACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT CORRUGATED METAL PIPE REHABILITATION PROGRAM - FISCAL YEAR 2001/2002, IN THE CITY OF CHULA VISTA (PROJECT DR-156), AND AUTHORIZING STAFF TO INCREASE QUANTITIES TO EXPEND ALL AVAILABLE FUNDS FOR THIS PROJECT

Sealed bids were received for this project. The work to be done involves the rehabilitation of drainage facilities in various locations, including all labor material, equipment, tools, transportation, mobilization, traffic control, removal and disposal of existing improvements, protection and restoration of existing improvements, and other miscellaneous work necessary to construct the project in accordance with City standards. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

9. RESOLUTION NO. 2003-175, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING CONSTRUCTION CONTRACT ADMINISTRATION ACTIVITIES TO BE UNDERTAKEN BY THE CITY OF CHULA VISTA ON THE INTERSTATE 805/OLYMPIC PARKWAY-ORANGE AVENUE INTERCHANGE, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

The City desires to construct state highway improvements consisting of the modification of the Orange Avenue/Olympic Parkway interchange at Interstate 805 and is responsible to provide one hundred percent of the funding for this project. The City also desires to advertise, award, and administer the construction contract for the project. In order for the City to perform these contract functions within the state's right-of-way, the State of California Department of Transportation requires the City to enter into a cooperative agreement that sets out each agency's responsibilities for the construction process. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

10. RESOLUTION NO. 2003-176, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE FIRM OF MCGILL MARTIN SELF, INC. TO ASSIGN THE AGREEMENT TO THE FIRM OF HB CONSULTING GROUP TO PROVIDE PROJECT MANAGEMENT SERVICES FOR VARIOUS TRAFFIC ROADWAY AND INTERSTATE 805 FREEWAY INTERCHANGE IMPROVEMENT PROJECTS, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

On July 24, 2001, the Council approved an agreement with McGill Martin Self, Inc. (MMS) to provide project management services for various roadway and Interstate 805 freeway interchange improvements as part of the Eastern Chula Vista traffic capacity enhancements program. The Project Manager for this work and a principal with MMS, Mr. Harry Burrowes, has changed firms. Adoption of the resolution approves an amendment, assigning the contract to the new firm, HB Consulting Group. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

ACTION: Mayor Padilla moved to approve staff's recommendations and offered the Consent Calendar, headings read, texts waived. The motion carried 5-0.

Item No. 18 was taken out of agenda order and discussed at this point.

ORAL COMMUNICATIONS

Erik Slaven, representing Western Pavement Maintenance Association, presented the benefits of asphalt-rubber cape seals for cost-effective street maintenance, and he encouraged the City to utilize the product.

Bob White, Chairperson for the City's Veterans Advisory Commission, spoke regarding the recent death of Marine Corporal Silva, who was initially reported to be a Chula Vista resident. Mr. White stated that upon further inquiry, it was discovered that Corporal Silva was not a resident of Chula Vista, and it was, therefore, a unanimous vote by the Veterans Advisory Commission not to recommend the placement of his name on the Chula Vista memorial.

Al Gore, representing the City's Cultural Arts Commission, invited the public to a "Taste of the Arts" National Arts Show on Friday, May 9, 2003, at 5:30 p.m., at the San Diego Superior Court, 500 Third Avenue, Chula Vista.

Debbie Barker, a teacher at Parkview Elementary School, introduced the school's student council, who presented information regarding a study trip to Sacramento. Ms. Barker asked the Council for a \$1,000 donation towards the trip. She also invited the Council and members of the public to participate in a fundraiser to be held on May 8, 2003, from 5:00 p.m. to 8:00 p.m., at Pat & Oscars in the Plaza Bonita Mall. Mayor Padilla referred the funding request to staff, and City Manager Rowlands asked Ms. Barker to submit a written request so that he could have a check prepared.

ORAL COMMUNICATIONS (Continued)

Ivan Rosabal expressed concern regarding the proliferation of graffiti, stating that the City needs to be more proactive in addressing the issue. He also brought attention to poorly maintained bus benches and their surrounding areas, particularly in western Chula Vista. With regard to water conservation, he suggested that medians and islands be designed in a way that would prevent water run-off onto the street and landscaping. He also reported that the canal on Third and Orange Avenues is blocked and needs to be cleaned.

PUBLIC HEARINGS

11. CONSIDERATION OF THE CHANGE AND MODIFICATION OF COMMUNITY FACILITIES DISTRICT NO. 08-M, IMPROVEMENT AREA NO. 1

On March 25, 2003, the City Council initiated the change and modification proceedings. Adoption of the resolution is the next step in the formal proceedings to change and modify the special tax rates in Community Facilities District (CFD) 08-M. The special taxes levied in the CFD fund the perpetual operation and maintenance of slopes, medians and parkways and storm water treatment facilities associated with Village 6. The City has retained the services of MuniFinancial as special tax consultant and Best Best and Krieger LLP as legal counsel to provide assistance during the proceedings. (Director of Engineering)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. There being no members of the public wishing to speak, he then closed the hearing.

ACTION: Deputy Mayor Rindone offered Resolution No. 2003-177, heading read, text waived:

RESOLUTION NO. 2003-177, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN DETERMINATIONS AND AUTHORIZING SUBMITTAL OF THE PROPOSED CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO BE LEVIED WITHIN IMPROVEMENT AREA NO. 1 OF COMMUNITY FACILITIES DISTRICT NO. 08-M (VILLAGE 6, MCMILLIN OTAY RANCH AND OTAY RANCH COMPANY) TO THE QUALIFIED ELECTORS THEREOF

The motion carried 5-0.

12. CONSIDERATION OF THE PROPOSED CHANGE AND MODIFICATION TO THE RATE AND METHOD OF APPORTIONMENT FOR IMPROVEMENT AREA B FOR COMMUNITY FACILITIES DISTRICT NO. 06-I (EASTLAKE-WOODS, VISTAS AND LAND SWAP)

PUBLIC HEARINGS (Continued)

On March 18, 2003 the City Council approved the resolution of intention to consider changes and modifications to the Rate and Method of Apportionment for Improvement Area B of Community Facilities District No. 06-I (EastLake-Woods, Vistas and Land Swap) ("CFD No. 06-I"). (Director of Engineering, Director of Finance)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. There were no members of the public wishing to speak.

ACTION: Mayor Padilla moved to continue the hearing to the meeting of May 13, 2003. Councilmember Davis seconded the motion, and it carried 5-0.

13. CONSIDERATION OF AUTHORIZATION OF THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 06-I (EASTLAKE WOODS, VISTAS, AND LAND SWAP), AND IMPROVEMENT AREA B

On March 25, 2003, Council adopted a resolution declaring the intention to authorize the annexation of territory to Community Facilities District No. 06-I and Improvement Area B thereto and set the Public Hearing date for May 6, 2003. Adoption of the resolution continues the formal proceedings to consider the authorization to annex such territory to CFD No. 06-I and Improvement Area B thereto, subject to the approval by the qualified electors of the levy of special taxes within such territory proposed to be annexed. (Director of Engineering)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. There were no members of the public wishing to speak.

ACTION: Councilmember Davis moved to continue the item to the meeting of May 13, 2003. Councilmember Salas seconded the motion, and it carried 5-0.

14. CONSIDERATION OF THE FORMATION OF ASSESSMENT DISTRICT 2002-1 (QUINTARD STREET)

Seventeen property owners who have access to their properties on Quintard Street, between Third and Fourth Avenues, are missing sidewalk improvements. Thirteen of these property owners have petitioned the City to commence proceedings pursuant to Chapter 27 of the Improvement Act of 1911 and Article XIID of the Constitution of the State of California to finance the construction of these improvements. On March 4, 2003, Council accepted the petition, approved the proposed boundary map and preliminary assessment engineer's report, appropriated \$55,000 to finance preconstruction costs, set a public hearing and ordered the initiation of assessment ballot proceedings pursuant to Article XIID of the Constitution of the State of California. (Director of Engineering)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the hearing, and City Clerk Bigelow left the chambers to canvas the ballots.

Deputy Mayor Rindone expressed concern regarding the proposed seven percent interest rate to be charged by the City to the residents for repayment of sidewalk construction improvements. Engineering Director Swanson responded that although current interest rates are lower, the lower rates would not hold over time, and Staff believes that a seven percent interest rate would be reasonable over a ten-year period. Warren Diven, representing Best, Best and Krieger, explained that upon completion of the construction project, a second public hearing will be conducted to confirm the assessments, at which time the Council could elect to charge a lower interest rate if deemed appropriate. Deputy Mayor Rindone requested that staff provide an analysis of different options prior to the next hearing.

City Clerk Bigelow returned to the chambers and announced that with a total of \$42, 336 in favor of the project and \$12, 816 opposing the project, a majority protest does not exist.

ACTION: Councilmember McCann offered Resolution Nos. 2003-178, and 2003-179, headings read, texts waived:

- A. RESOLUTION NO. 2003-178, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION FOR ASSESSMENT DISTRICT 2002-1 (QUINTARD STREET) AND MAKING FINDINGS PURSUANT TO CHAPTER 27 OF THE IMPROVEMENT ACT OF 1911 AND ARTICLE XIII D OF THE CONSTITUTION OF THE STATE OF CALIFORNIA
- B. RESOLUTION NO. 2003-179, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TRANSFERRING \$174,882 FROM CAPITAL IMPROVEMENT PROJECT STL-267 AND \$100,000 FROM DR-127 TO STL-285 (QUINTARD STREET) TO FINANCE CONSTRUCTION COSTS

The motion carried 5-0.

15. CONSIDERATION OF AMENDMENTS TO CHAPTER VII - RECREATION PROGRAMS/FACILITIES OF THE MASTER FEE SCHEDULE

The Recreation Department is currently engaged in a strategic plan process to articulate priorities essential to fulfilling departmental and City missions for the next five years. In committee meetings of stakeholders, comprised of staff and community members, there has been considerable consensus that the department should review and update fees as part of this process. (Director of Recreation)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing.

Mary Jo Meer spoke in opposition to the proposed \$55.00 fee increase for slow-pitch softball and suggested that the City investigate what adult athletes are being charged for athletic activities.

ACTION: Mayor Padilla moved to continue the hearing to the meeting of May 13, 2003. Councilmember Davis seconded the motion, and it carried 5-0.

ACTION ITEMS

16. CONSIDERATION OF APPROVAL OF THE CONSOLIDATED ANNUAL PLAN FOR FISCAL YEAR 2003/2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS, AND TRANSMITTAL OF THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The Council held a public hearing on April 1, 2003, to review and receive public comment on projects and programs being considered for CDBG and HOME funding. The City is eligible to receive \$2,383,000 in CDBG entitlement funds from the U.S. Department of Housing and Urban Development for 2003/2004, along with \$1,054,546 in HOME funds. Additionally, it is recommended that appropriations be included in the fiscal year 2003/2004 proposed budget for a total CDBG spending plan of \$2,397,299. Combining both entitlements, the City will be able to invest into the community a total of \$3,451,845 from these sources for 2003/2004. (Director of Community Development)

Mayor Padilla requested consideration of leveling out the distribution of funding between *Therapeutic Services Collaborative* and *Inform Chula Vista*, and of obtaining hard funding for the *Community Emergency Response Team* program. Senior Community Development Specialist Atwood described the methodology for the fund allocations, stating that *Therapeutic Services Collaborative* is a new collaborative and, consequently, the Recreation Department believed the collaborative should be given some leverage to establish a program. Regarding *Inform Chula Vista*, Ms. Atwood explained that the organization provides a lot of referrals for their clientele, so staff believed it was appropriate, with Council direction, to supplement the collaborative proposals. With reference to the *Community Emergency Response Team* program, Ms. Atwood explained that the \$6,800 remaining after funding recommendations was not enough to provide the level of training and necessary equipment for the program.

Councilmember Salas suggested that funds be shifted from *Inform Chula Vista* to services that provide more one-on-one benefits for families. With reference to the *Community Emergency Response Team* program, Councilmember Salas questioned whether state or federal funding is available to assist in supporting this program.

ACTION ITEMS (Continued)

Deputy Mayor Rindone recommended that \$800 from the surplus funding be allocated to *Thursdays Meal*.

Councilmember Salas stated that it was important to ensure the sustainability of service groups prior to informational groups.

ACTION: Councilmember Salas offered Resolution No. 2003-180, as amended to: add \$800 to *Thursdays Meal*; distribute \$6,000 to the *South Bay Senior Collaborative*; reduce *Inform Chula Vista – Collaborative* by \$7,975 and add \$6,975 to the *Chula Vista Family Violence Prevention and Intervention Coalition – Collaborative*; and add \$1,000 to the *Chula Vista Veterans Home Support Fund*:

RESOLUTION NO. 2003-180, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CONSOLIDATED ANNUAL PLAN FOR FISCAL YEAR 2003/2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS; AUTHORIZING TRANSMITTAL OF THE CONSOLIDATED ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND INSTRUCTING STAFF TO INCLUDE APPROPRIATIONS TO FUND THE ANNUAL PLAN IN THE FISCAL YEAR 2003/2004 PROPOSED BUDGET

The motion carried 5-0.

Ms. Lembo and Ms. Buettner, representing Youth and Family Services, thanked the Council for their support. Ms. Lembo stated that South Bay Community Services will be experiencing severe cuts by the County and also expressed the need to place funding into direct services. Ms. Buettner asked the Council in the future to reconsider its policy of a ten percent cut to programs that have maintained longevity with the City.

17. CONSIDERATION OF ADOPTION OF THE MITIGATED NEGATIVE DECLARATION/ENVIRONMENTAL ASSESSMENT (IS-00-49) AND MITIGATION MONITORING AND REPORTING PROGRAM; AND ACCEPTANCE OF THE PROJECT REPORT FOR THE INTERCHANGE AT I-805 AND EAST ORANGE AVENUE AND OLYMPIC PARKWAY

The interchange at Interstate 805/East Orange Avenue/Olympic Parkway is proposed to be widened to accommodate additional lanes on the bridge deck and approaches between Melrose Avenue and just east of Oleander Avenue. This project will ultimately provide the roadway capacity needed in the area and will serve both the westerly and easterly portions of the City. As part of the environmental review process to analyze potential environmental impacts resulting from the construction of this facility, an Environmental Document Report Initial Study/Negative Declaration and Environmental Assessment was prepared for the project. The document includes an analysis of three possible alternatives for the interchange project. Public comments and responses to those comments have been completed. The project's construction schedule is from the summer of 2003 through the end of 2004 or early 2005. (Director of Engineering)

ACTION ITEMS (Continued)

Councilmember McCann stated that he owns property approximately 1,000 feet from a part of the project. He then recused himself and left the dais.

Director of Engineering Swanson presented the Interstate 805 and East Orange Avenue/Olympic Parkway interchange project.

Mark Watts, representing the consulting firm of Smith and Watts, discussed the critical issues surrounding the allocation of funding for the project. He stated that funding for the soundwall mitigation portion is on the Transportation Commission allocation plan, and that the proposed project is in the appropriate category to receive funding.

Mayor Padilla noted a letter submitted by Todd Ingalls in support of the proposed sound wall project.

Walter Fisher spoke in opposition to the proposed sound wall, stating that it would eliminate the breeze and views in his back yard. He also believed that the sound wall would decrease the value of his home.

Matt Flach spoke regarding the environmental impact report and CalTrans' recommendation that an environmental assessment should be performed on second story homes. He believed that the mitigation issues should be handled prior to commencement of the project. Mr. Flach stated that the affected residents have not had the opportunity to see the proposed sound wall design and added that the City's Design Review Committee should also be involved in the project design to ensure that City standards are met. Engineering Director Swanson responded that the City has been working with the CalTrans landscape architecture division regarding the wall design. Mike Comwell, representing Pacific Noise Control, cited a statement issued by CalTrans regarding mitigation for second floors. He stated that in this case, mitigation at the second floor level is limited to exterior areas of frequent human use, and any sound wall would have to meet criteria where the extended portion of the wall would have to reduce the noise level another five decibels. He stated that at this time, CalTrans has indicated that its criteria have not been met, and the City does not have criteria that require mitigation at the second floor level.

Greg Wakefield spoke in favor of the sound wall behind his residence on Quail Court. He recommended that Lots 18 (his property), 19 and 20 be considered separately, since there is significant traffic noise in his backyard, while there is a significant drop in sound level north of his property. Engineering Director Swanson stated that staff would work with Mr. Wakefield and other affected property owners on this issue.

Gustavo Ruiz-Rueda opposed the proposed sound wall, stating that it would affect his property value and would prevent cool breezes on hot summer days. He added that sunset and ocean views from his back yard would also be obstructed, and the walls would attract graffiti taggers.

Thomas McNally stated that his property lies about ten feet below the level of the freeway. His property has been excluded from consideration for a new, higher sound wall, even though the existing sound wall has not alleviated the traffic noise. He performed sound checks on his property, as well as his neighbors' properties, and the readings reflected a range of between 69 and 71 decibels. Mr. McNally requested that another sound check be conducted on his property or that a berm be built across from his home to alleviate the noise that would otherwise increase when it rebounds off the walls on the other side of his property.

ACTION ITEMS (Continued)

Todd Parsons stated that he resides across the street from Mr. McNally, and the wall on Mr. McNally's property does nothing to mitigate the noise because of the way the home is situated. If it were not for the fact that Mr. McNally's home is two stories, his neighbors also would receive no mitigation. He requested consideration of another sound check and construction of a taller wall to benefit the entire neighborhood.

Michelle Quillin spoke in support of the construction of a sound wall or berm on her property, since her home is located at eye-level with the freeway, providing no privacy from passersby. She also suggested that the existing sound wall be continued to Main Street.

Raoul Moreno explained that his property is at an 80-degree angle and questioned how the wall would be built in his particular location. Engineering Director Swanson responded that staff would meet with Mr. Moreno to discuss the matter.

Ivan Rosabal spoke in support of the proposed sound walls but expressed concern that the walls would become a canvass for graffiti. He suggested that the sound walls be topped with Plexiglas so as not to obstruct any views, and that cactus plants be used for landscaping to help conserve water and alleviate graffiti. Mr. Rosabal recommended that some form of artwork be incorporated into the wall design to make it aesthetically pleasing. Engineering Director Swanson responded that a report would be provided to Council on the materials and design of the proposed walls.

Ricardo Deeson, a resident on Ibarra Court, explained that his property slopes down to Olympic Parkway, and the excessive traffic noise causes the windows of his home to rattle during peak hours. He asked the Council to extend the proposed sound walls to his property, as well as his three neighbors' properties.

Carrie Clark, a Satinwood Court resident, stated that she has not been contacted regarding any sound walls for her property. She expressed concern regarding truck noise and pollution and added that she purchased triple glaze glass for her windows to lessen the noise. Ms. Clark asked where the proposed sound walls would be built and whether or not additional trees could be planted to absorb the noise and pollution. She invited staff to come to her home to observe the traffic noise. Engineering Director Swanson replied that a sound berm is proposed for the area where Ms. Clark resides, stating that the berm does the same thing as a sound wall to block the sound and is also more aesthetically pleasing.

Mayor Padilla asked that there be further investigation regarding sound wall height in relation to topography, stating that potential mitigation measures need to be identified and addressed with the affected landowners prior to commencement of the project.

ACTION: Councilmember Davis moved to direct staff to continue working with the affected residents and offered Resolution No. 2003-181, headings read, text waived:

RESOLUTION NO. 2003-181, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE MITIGATED NEGATIVE DECLARATION/ENVIRONMENTAL ASSESSMENT (IS-00-49) AND MITIGATION MONITORING AND REPORTING PROGRAM; AND ACCEPTING THE PROJECT REPORT FOR THE INTERCHANGE AT INTERSTATE 805 AND EAST ORANGE AVENUE AND OLYMPIC PARKWAY

The motion carried 4-0-1, with Councilmember McCann abstaining due to the proximity of his property to a portion of the proposed project.

ACTION ITEMS (Continued)

18. CONSIDERATION OF ADOPTION OF A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE MAYOR TO EXECUTE A SOLE SOURCE AGREEMENT WITH SPECIAL T FIRE EQUIPMENT FOR PURCHASE OF SELF-CONTAINED BREATHING APPARATUS AND APPROPRIATE FUNDS

The existing self-contained breathing apparatus are five years old and out of compliance with National Fire Protection Association (NFPA) 2002 federal standards. Almost half of the cost of purchasing the new breathing apparatus has already been appropriated, creating an opportunity to equip all fire apparatus with new breathing apparatus. Purchase of the new apparatus will significantly enhance firefighter safety and fireground operations. (Fire Chief)

This item was taken out of agenda order and considered prior to Oral Communications.

Deputy Fire Chief Peter gave an overview and demonstration of the new breathing apparatus.

ACTION: Councilmember McCann offered Resolution No. 2003-182, heading read, text waived:

RESOLUTION NO. 2003-182, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE BIDDING PROCESS AS IMPRACTICAL, AUTHORIZING THE MAYOR TO EXECUTE A SOLE SOURCE AGREEMENT WITH SPECIAL T FIRE EQUIPMENT FOR PURCHASE OF SELF-CONTAINED BREATHING APPARATUS, AND APPROPRIATING \$41,573 FROM UNANTICIPATED REVENUES AND \$179,852 FROM THE AVAILABLE BALANCE OF THE GENERAL FUND

The motion carried 5-0.

OTHER BUSINESS

19. CITY MANAGER'S REPORTS

City Manager Rowlands announced the following Council workshops:

- May 22, 2003, at 4:00 p.m. in Council Chambers, to discuss landfill usage, school sites, and parks sites for Village 2 and Otay Ranch projects.
- May 29, 2003 (4:00 – 6:00 p.m.), June 9, 2003 (4:00 – 6:30 p.m.), and June 11, 2003 (4:00 – 6:30 p.m.) at the Corporation Yard, 1800 Maxwell Road, for budget consideration.

20. MAYOR'S REPORTS

- A. Designation of voting delegate for a Special Meeting of the League of California Cities General Assembly, to be held May 15, 2003 at 1:00 p.m. at the Sacramento Community Center Theatre. (Continued from the Meeting of April 15, 2003)

No action was taken on this item.

- B. Ratification of appointment to the Town Centre Project Area Committee – Clarke Dennison

ACTION: Mayor Padilla moved to ratify the appointment of Clarke Dennison to the Town Centre Project Area Committee. Deputy Mayor Rindone seconded the motion, and it carried 5-0.

- C. Ratification of appointment to the Town Centre Project Area Committee – Sharon Floyd

ACTION: Mayor Padilla moved to ratify the appointment of Sharon Floyd to the Town Centre Project Area Committee. Deputy Mayor Rindone seconded the motion, and it carried 5-0.

- D. Ratification of appointment to the Ethics Commission – Reverend Julius Bennett

ACTION: Mayor Padilla moved to ratify the appointment of Julius Bennett to the Ethics Commission. Deputy Mayor Rindone seconded the motion, and it carried 5-0.

- E. Ratification of appointment to the Ethics Commission – Karen Batchner

ACTION: Mayor Padilla moved to ratify the appointment of Karen Batchner to the Ethics Commission. Deputy Mayor Rindone seconded the motion, and it carried 5-0.

Mayor Padilla asked staff to come back with information on possible alternatives for translating services for purposes of testimony during some of the hearings on citywide issues.

21. COUNCIL COMMENTS

- A. Councilmember Salas: Request for presentation regarding water reliability.

Councilmember Salas stated that at the last Interagency Water Task Force meeting, an excellent presentation was given regarding water reliability, and she suggested that a Council workshop be scheduled in a month or so to discuss future water supplies. She also commented on the success of the recent Cinco de Mayo festival.

Councilmember Davis congratulated City staff on a job well done at the recent Cinco de Mayo festival.

Councilmember McCann also commended City staff on the success of the recent Cinco de Mayo festival.

Deputy Mayor Rindone commented on an outstanding Cinco de Mayo festival. He also asked staff to check into activating the item indicator light above the voting board in the Council Chambers. He then requested a moment of silence in memory of Dr. Burns, former Mayor of the City of Lemon Grove, and asked that the meeting be adjourned in Dr. Burns' memory.

CLOSED SESSION

22. CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: San Diego Gas & Electric - Gas and Electricity Franchise (Pertaining to Public Rights of Way throughout the City of Chula Vista)
Agency negotiators: David Rowlands, Jr., Sid Morris, Michael Meacham, Glen Googins
Negotiating Parties: City of Chula Vista, San Diego Gas & Electric
Under Negotiation: Price and Terms of Payment

No action was taken on this item.

23. CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c)

- One case

No action was taken on this item.

24. CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)

- One case

No action was taken on this item.

ADJOURNMENT

At 10:00 p.m., Mayor Padilla adjourned the meeting to the Regular Meeting of May 13, 2003, at 6:00 p.m. in the Council Chambers.

Susan Bigelow, CMC, City Clerk